Workers' Compensation Program

SGT Brooke Goldsberry
Human Resource Specialist
304-561-6429

Objectives of this Training

- What is the FECA?
- Provisions of the FECA
- Conditions of Coverage
- Types of Injuries and Forms
- Types of Compensation
- COP and Controversion of COP
- Filing a claim for Compensation
- Supervisor Requirements/Responsibilities under DoD 1400.25-M Subchapter 810
- EDI – Electronic Data Interchange
  - Filing Claims Electronically

Federal Employees' Compensation Act (FECA)

- provides compensation benefits to civilian employees of the United States for disability due to personal injury or disease sustained while in the performance of duty.
- Passed in 1916
- Exclusive remedy-Cannot sue for benefits
- Non-Adversarial program – based on medical evidence
- Administered by the Dept. of Labor, Office of Workers' Compensation Program (OWCP)

Provisions of the FECA

- Medical Benefits
- Continuation of Pay (COP)
- Wage Loss Compensation
- Schedule Awards
- Vocational Rehabilitation
- Death/Burial Expenses

Conditions of Coverage

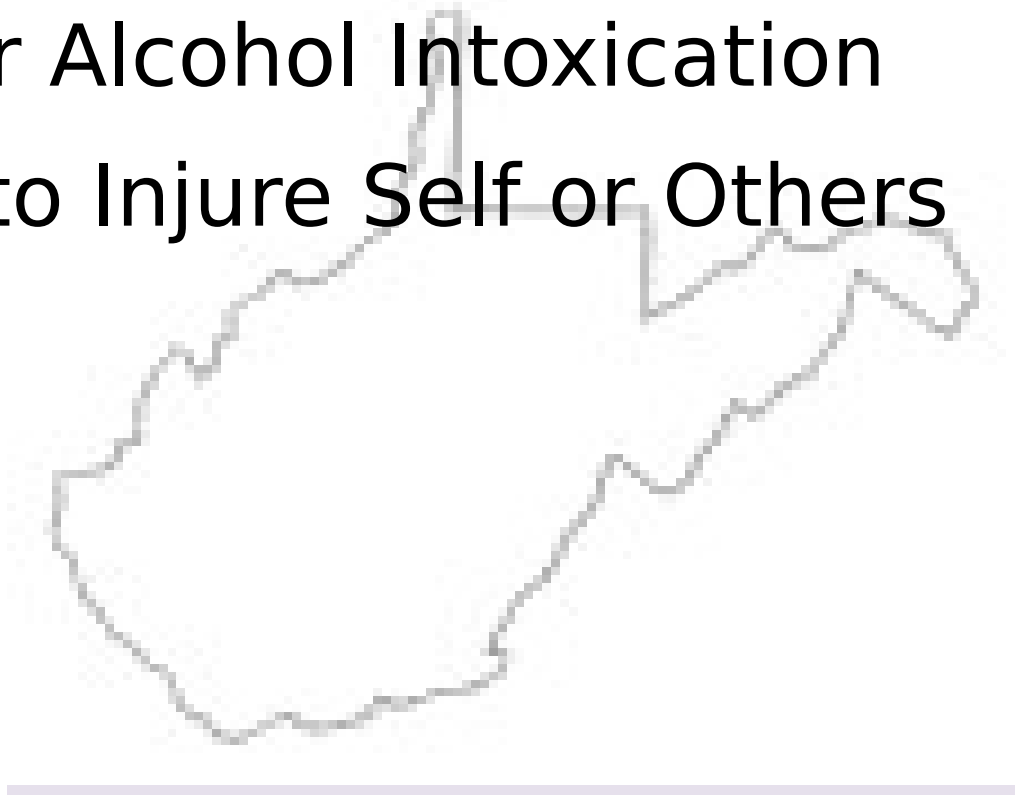
- Acceptance of a claim:
  - DOL Claims Examiner is the decision making authority for acceptance of a claim
  - 5 basic elements are considered by the claims examiner when deciding whether to accept a claim as a work related injury or illness

Conditions of Coverage

- Timely Filing of Claim
- Federal Civilian Employee
- Fact of Injury
- Performance of Duty
- Causal Relationship

Statutory Exclusions

- Willful Misconduct
- Drug or Alcohol Intoxication
- Intent to Injure Self or Others



Burden of Proof

- The Burden of Proof lies with the Injured Worker to establish each of the 5 Critical Elements in order to have the claim accepted by OWCP.
- The Supervisor/Employing Agency will assist the Injured Worker in gathering needed information.
- DOL/OWCP is the final approval authority for acceptance of a claim and payment of benefits

Role of the Agency

- ICPA works hand in hand with the supervisor to:

A. We have a responsibility to return our employees to productive and gainful employment.

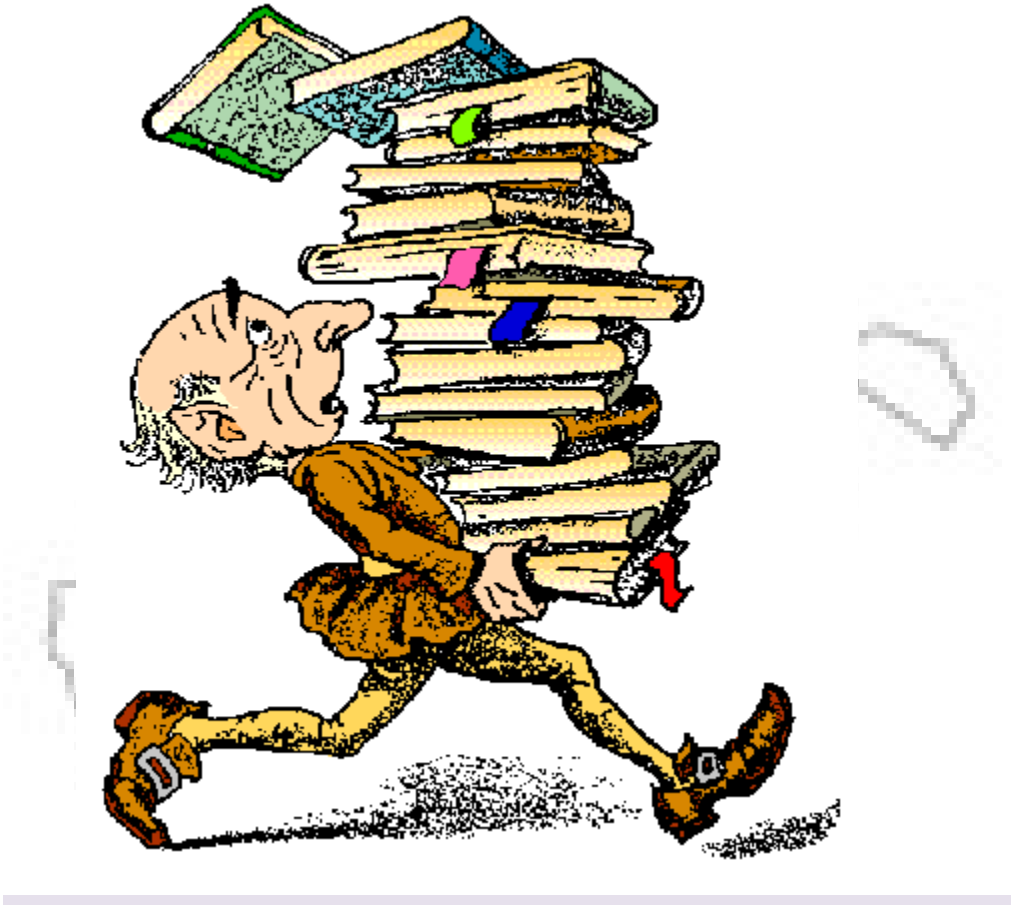
- OWCP is double edged sword. We also have a responsibility to protecting the agency and mitigating unnecessecary costs associated with the program.

Possible Scenarios

- **A. While replacing a starter on a military vehicle, an employee's wrench slips, causing his hand to strike the vehicle. The strike causes a laceration of his left index finger.**
- **B. An employee files an OWCP claim alleging that while on lunch in the Dairy Queen parking lot, he slipped on some ice, and fell, twisting his knee.**

Is the Employee in the Performance of Duty?

Types of Injuries and Claim Forms

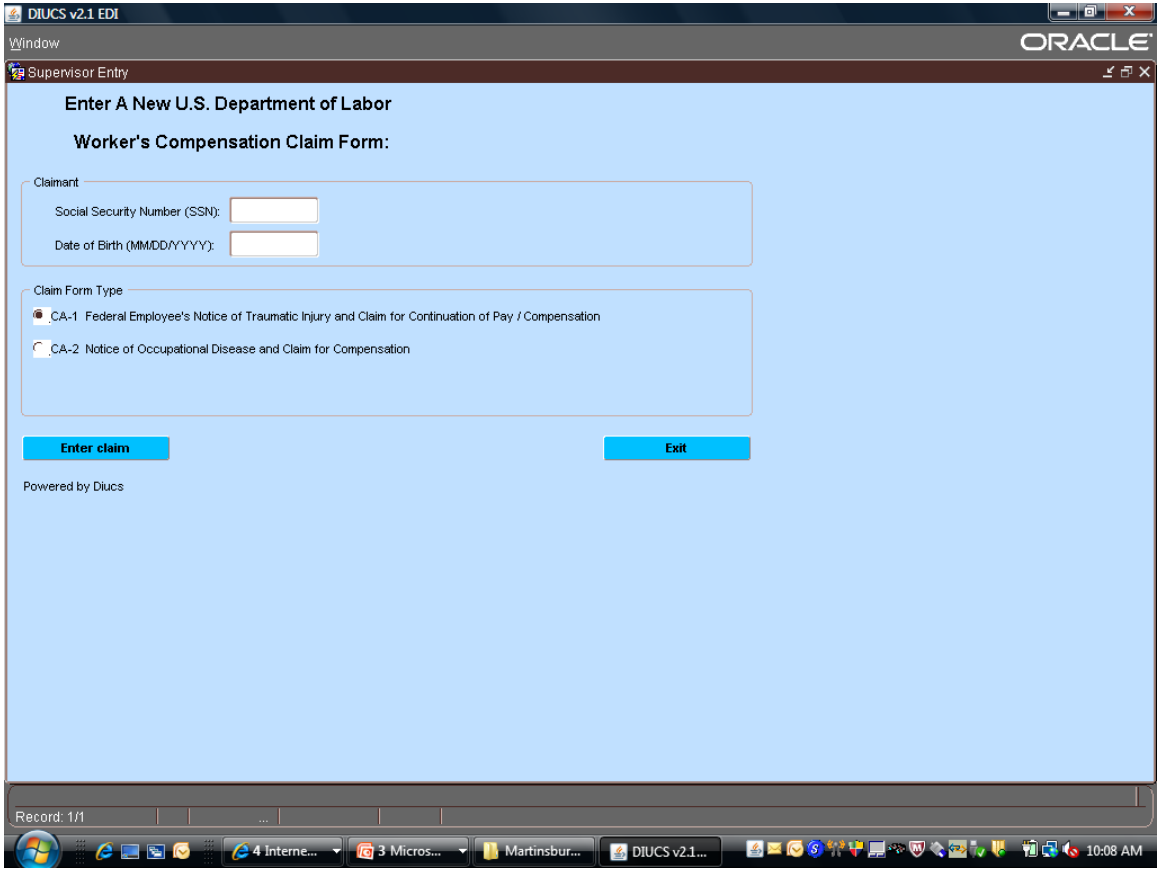


Types of Injury or Illness

- **<u>Traumatic Injury</u>**-Caused by a specific event or incident within a single day or work shift
- defined as a wound or other condition of the body caused by external force, including stress or strain.
- Must be filed within 48 hours of injury to be eligible for COP benefit.
- Supervisor: Be specific when describing nature and cause of injury. Pain is a symptom, not an injury.

Filing Claim for Traumatic Injury

- Electronically filed by the supervisor as a CA 1 Notice of Traumatic Injury, through EDI portal.
  - Direct Link: http://www.cpms.osd.mil/ICUC/ICUC_index.aspx
  - Click on ***Filing Claims Electronically (supervisor's link***) on the left side of the screen to enter CA-1
  - Can also be found through the Worker's Compensation Tab of the HRO Homepage at www.nbg.army.mil/jobs



Click on CA-1 Notice of Traumatic Injury

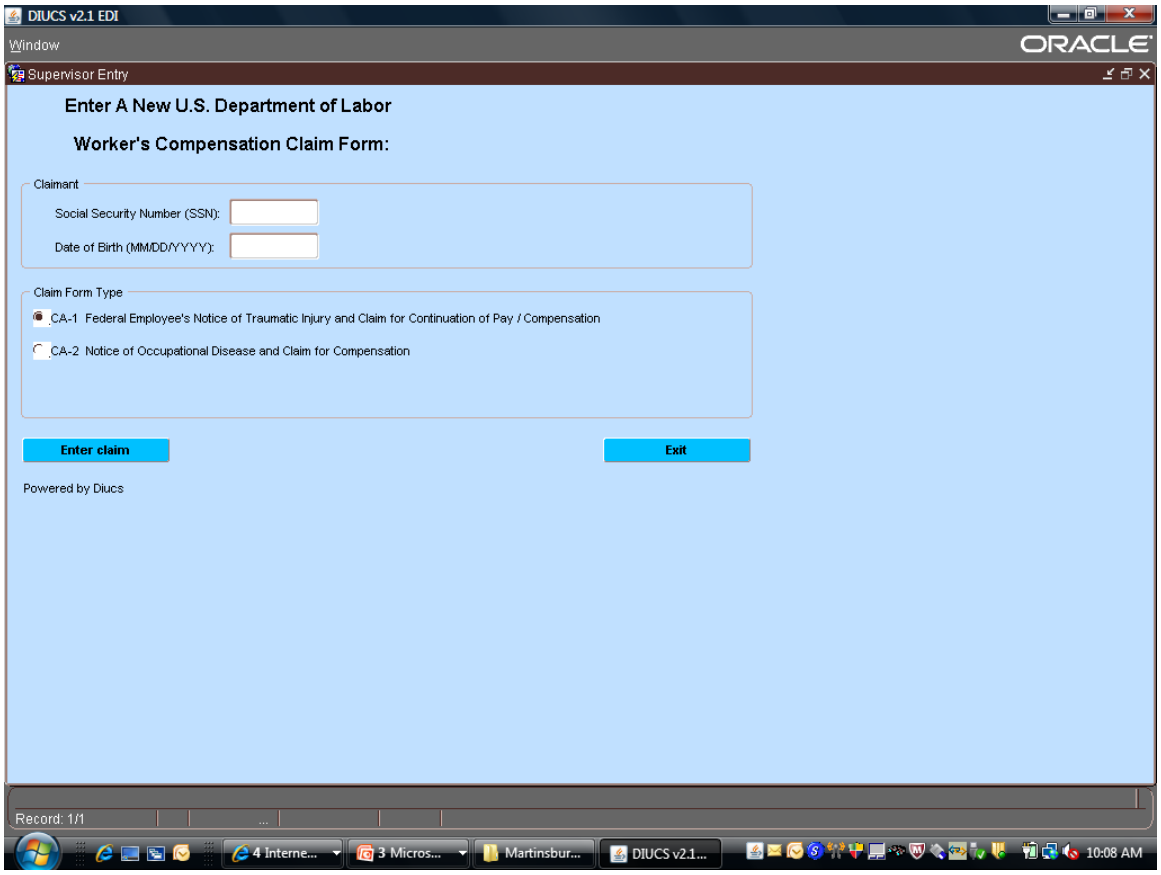
Types of Injury or Illness

- **Occupational Illness or Disease** – condition produced in the work environment over a period of *more than one day or work shift.*

- May result from systemic infection, repeated stress or strain or conditions of the work environment.

Filing Claim for Traumatic Injury

- Electronically filed as a CA 2 Notice of Traumatic Injury, through EDI portal.
  - Direct Link: http://www.cpms.osd.mil/ICUC/ICUC_index.aspx
  - Click on ***Filing Claims Electronically (supervisor's link***) on the left side of the screen to enter CA-1
  - Can also be found through the Worker's Compensation Tab of the HRO Homepage at www.nbg.army.mil/jobs



Click on CA-2 Notice of Occupational Disease

Scenario-What type of Claim?

A budget analyst alleges that he developed carpal tunnel syndrome due to repetitive typing and mouse usage during her seventeen year career. He contacts you to file an OWCP claim. Which form do you advise him to file?

a) CA-1 b) CA-2

Our Role: The supervisor and the Agency

- We CANNOT deny an employee the right to file a claim
- Supervisor can communicate to the agency (ICPA) if they feel the fact of injury is incorrect. I.E. are they in the performance of their duty?
- Employing agency (ICPA) can controvert COP or Challenge the validity of a claim

Controversion of COP vs. Challenging the Claim

- Controversion of COP –an agency's objection to paying an Injured Worker the 45 days of COP.
- Challenging the Claim – position that one of the 5 critical elements has not been met – therefore the claim should not be accepted as a work related injury.

  (Timely filed, employee, FOI, POD, CR)

Types of Compensation

- Continuation of Pay (COP)
- Medical Benefits
- Wage Loss Compensation
- Schedule Award
- Death Benefit

Continuation of Pay (COP)

- 45 calendar day window of agency paid leave
- Begins on the date of first disability
- Tracked by supervisor and reported to ICPA on COP tracker that is provided in supervisory packet
- Traumatic Injury Claims Only

Continuation of Pay (COP)

- Timeframe for Eligibility:
- Must file the CA-1 within 30 days of the date of injury.
- Intermittent or continuous absence from work due to the injury must begin within 45 days of the date of injury.
- Must submit medical evidence of disabling injury to the employing agency within 10 calendar days
- If the preceding conditions are not met, COP may be withheld. This is referred to as controversion.

Controversion of COP

- Aside from the timeframes above, there are other reasons an agency can controvert COP. They are as follows:
  - A. Disability is a result of Occupational Disease
  - B. Not a US Citizen
  - C. Off Premises
  - D. Willful Misconduct
  - E. Injury reported after termination
  - F. Does not meet the definition of civil employee

Controversion of COP

- Indicated in block 36 of the CA-1
- Supervisor provides feedback, Agency controverts
- Agency must notify employee of controversion
- DOL makes official decision
- If COP is controverted, all leave charged as COP will be converted to sick and/or annual leave of employee
- CONTROVERSION MUST OCCUR AT THE TIME THE CA-1 IS FILED - OR VERY SHORTLY THEREAFTER

Medical Benefits

- FECA authorizes medical services for treatment of any condition which is causally related to factors of Federal employment.
- If claim is accepted medical benefits are continuous for the accepted condition, no dollar amount, no time limitation
- If claim is filed within 48 hours of injury then the ICPA can issue a CA 16 Authorization for Medical Services, which is an automatic authorization for treatment up to a certain dollar amount.

Medical Benefits Continued

- Injured Worker has the right to choose their own attending physician.
- Primary treating physician can refer employee for additional testing or specialized treatment but often needs pre-authorization.
- Injured Worker is NOT required to use a Base medical facility.
- A chiropractor is not considered a physician in most instances. Chiropractic services are limited to subluxation of the spine.

Medical Benefits Continued

- Some out of pocket expenses may be reimbursable to include:
  - Travel expenses Form OWCP-957
  - Medical Expenses-Form OWCP-915
  - Contact ICPA for forms for reimbursement

*If employees health insurance was billed initially, health benefit provider is responsible for coordination of benefits with OWCP

Wage Loss Compensation

- Compensation of your date of injury salary
- Paid for total disability, absence for medical treatment related to the injury, or for employees who have returned to work but are earning less than what their date of injury job currently pays.
- Filed using a CA-7

Wage Loss Compensation

- Can be paid for both Traumatic Injury claims and Occupational Illness/Disease Claims
- Paid at a rate of 75% of date of injury pay if dependents are in the household
- Paid at 66 2/3% if no dependants
- Tax Free

Schedule Award

- Compensation provided for a specified period of time for the permanent loss or loss of use of a part or function of the body

  Example: Loss of a foot –Compensation paid for 205 weeks
- Partial loss or loss of use of these members and functions is compensated on a proportional basis. Must reach maximum medical improvement.

  Example: Shoulder injury results in maximum medical improvement of 75% use of the shoulder. Employee is compensated loss of use and it is prorated.

Death Benefits

- Survivors of a Federal employee whose death is work-related are entitled to some compensation benefits
  - compensation payments
  - funeral and burial expenses
  - transportation expenses for the remains
  - Death gratuity

Monitoring Medical Progress

- Supervisor should maintain contact with the Injured Worker and obtain periodic medical reports from the Injured Worker and his/her attending physician.
- CA-17 form is used to monitor the Injured Workers' progress and recovery.

Monitoring Medical Progress

- Supervisor indicates physical requirements of the Injured Worker's date of injury job on the left side of the form, and indicates whether light duty is available.
- Injured Worker takes a CA-17 to each medical appointment.
- Attending physician indicates the Injured Worker's work restrictions.
- Injured Worker returns the CA-17 to the Supervisor.

Light Duty

- Returning an injured employee to work is mandated by NGB policy 11-02
- When the medical evidence indicates the Injured Worker is no longer totally disabled, but rather, has some capacity to return to work, every effort should be made to make light duty available to make it possible for the Injured Worker to return to work as soon as possible.

Light Duty

- Make light duty available as soon as the medical evidence establishes the Injured Worker has some capacity to return to work.
- Light duty is anything less than full time, full duty.
- Light duty offer can be verbal, but must be followed up in writing.
- Work with the ICPA to produce the formal written job offer.

Nurse Intervention

- DOL assigns a nurse to the case if total disability continues beyond initial 45 days.
- If Injured Worker seems to be showing little if any medical improvement.
- Nurse works with injured worker, ICPA, Supervisor, and medical providers.
- Aids in returning employee to work, coordination of medical documentation to DOL and to the agency. This assists in the return to work process.

Nurse Intervention

- Objective: RETURN TO WORK AS SOON AS POSSIBLE
- Obtain full work release or permanent work restrictions.
- Assist with return to work.
- Works with Injured Worker, Supervisor, ICPA and medical providers.
- 120 days with extension of time possible.

Vocational Rehabilitation

- After Nurse Intervention, if return to work during Nurse Intervention was not successful.

  A. Assist with return to work at the employing agency.

  B. If return to work is not possible with the employing agency, then the VR counselor will work to place the Injured Worker in the private sector.

Supervisor /Manager Responsibilities

- DOD Directive **1400.25-M SC810.2.** states that Supervisors and managers shall:
- Create a culture of safety consciousness;
- Make every effort through light duty programs and reemployment
- Ensure that all involved in the program, including private sector medical personnel, are aware of these programs; and,
- Investigate and take appropriate action on fraud and abuse in the program.

Supervisor Tools

- HRO Homepage: www.ngb.army.mil/jobs

  Click on Worker's Compensation Tab on the right

- details supervisor responsibilities and provides tools and resources to assist supervisors with injured workers

References

- Title 5, USC, Subpart G, Chapter 81
- Title 20, CFR, Chapter 1, Subchapter A, Part 1, and Subchapter B, Parts 10 and 25
- DoD Directive 1400.25 Subchapter 810
- CA-810 Handbook (OWCP publication)
- TN 11-02 Policy for Placing Technicians on Light Duty

Questions